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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/825, 476	01/29/92	TACKLES	G OAKLY. 305A

EXAMINER
DANG, H

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NEWPORT BEACH, CA 92660-8016

ART UNIT	PAPER NUMBER
2507	2

DATE MAILED: 02/09/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1 - 26 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims _____ are rejected.

5. Claims _____ are objected to.

6. Claims 1 - 26 are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received
 been filed in parent application, serial no. _____; filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

1. Claims 1-10 and 13, drawn to a ~~connecting an~~ eyeglass lens to an earstem, classified in Class 351, subclass 121. *or for*

II. Claims 11, 12 and 14-17, drawn to a sunglass, classified in Class 351, subclass 44.

III. Claims 18-21, drawn to a method of removably securing an earstem to a lens, classified in Class 351, subclass 110.

IV. Claim 22, drawn to a spectacle upper frame for eyeglasses, classified in Class 351, subclass 103.

V. Claims 23 to 26, drawn to a nose piece, classified in Class 351, subclass 136.

The inventions are distinct, each from the other because of the following reasons:

Each of the inventions, I-V, recite limitations not recited in any of the other invention. The differing limitations make the inventions I-V patentably distinct from one another, i.e. a reference that anticipates or makes obvious one of the inventions I-V would not, by itself, anticipate or make obvious any of the remaining invention.

Because these inventions are distinct for the reasons given above and as shown by the above different classifications, the field of search are not co-extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

Serial No. 825,476
Art Unit 2507

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Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication should be directed to Dang at telephone number (703) 308-0550.

HD
Dang/az
February 3, 1993


RODNEY B. BOVERNICK
EXAMINER
GROUP ART UNIT 257